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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,460	10/18/2005	Martin Baechle	PC10636US	6320
23122	7590	01/29/2008		
RATNERPRESTIA			EXAMINER	
P O BOX 980			HSIAO, JAMES K	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			3683	
			MAIL DATE	DELIVERY MODE
			01/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,460

Applicant(s)

BAECHLE ET AL.

Examiner

JAMES K. HSIAO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear as to when in the method that the first and second configuration happen. In what order does the fluid go to either the bleeders and the reservoirs? Are they happening simultaneously? Is one configuration optional over the other?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baechele et al. (US-6193031) in view of Ravndal et al. (US-5330259).

Regarding claim 7, Baechele et al. discloses A method for changing the pressure fluid of an electro hydraulic brake system, comprising a pedal-operated master brake

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cylinder and a brake circuit controlled by the master brake cylinder pressure, including a pump the intake side of which, by means of an intake conduit, is in communication with a pressure fluid reservoir, and a high-pressure accumulator (col. 2, lines 12-16) as well as inlet and outlet valves for the wheel brakes connected to the brake circuit (abstract), with an inlet valve controlling the connection of the related wheel brake to the high-pressure accumulator, and an outlet valve controlling the connection of the related wheel brake to the pressure fluid reservoir by means of a non-pressurized return conduit (fig 4), and with the master brake cylinder being connected to the brake circuit by means of a cut-off valve inserted downstream of the inlet valves (fig 4), comprising at least the following steps: conventional change of the pressure fluid by repeated manual application of the brake pedal (abstract); activating the pump and delivering pressure fluid out of the reservoir; and connecting the inlet and outlet valves and the cut-off valve in a first configuration such that pressure fluid is fed from the high-pressure accumulator either to the wheel bleeder connections and in a second configuration such that into the pressure fluid is fed from the accumulator into the pressure fluid reservoir (fig 4).

Baechle does not specifically mention a high pressure accumulator but it discloses the broader pressure generator (col. 2, lines 12-16). Ravndal et al. teaches the use of a high pressure accumulator in an electro hydraulic braking system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the high pressure accumulator of Ravndal et al. because it is merely selecting a high pressure accumulator from a group of pressure generators.

Regarding claim 8, Baechle et al. discloses wherein fresh pressure fluid is replenished by way of the pressure fluid reservoir while the process steps are performed (col. 2, lines 10-15).

Regarding claim 9, Baechle et al. discloses wherein the pump is clock actuated when the pressure fluid is supplied into the pressure fluid reservoir (fig 2, pump).

Regarding claim 10, Baechle et al. discloses wherein the outlet valves are clock actuated when the pressure fluid is supplied into the pressure fluid reservoir (fig 1-2).

Regarding claim 11, Baechle et al. discloses wherein the change of the pressure fluid is executed by means of the pump in the following sequence: delivering the pressure fluid by means of manual application of the brake pedal in the direction of the wheel bleeder connections; pressure fluid delivery by the pump also in the direction of the wheel bleeder connections; loading and unloading the accumulator in such a fashion that the pressure fluid is delivered in the direction of the wheel bleeder connections; loading and unloading the accumulator in such a fashion that the pressure fluid is delivered in the direction of the pressure fluid reservoir; pressure fluid delivery by the pump in the direction of the wheel bleeder connections (fig 4).

Regarding claim 12, Baechle et al. discloses wherein during a delivery of pressure fluid by way of the wheel bleeder connection of one wheel, pressure is applied to the other three wheel brakes by opening the associated inlet valves (col. 3), with the wheel brake pressures being measured and the determined pressure triplets being set into correlation to the operated inlet valves (fig 1).

Response to Arguments

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4. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

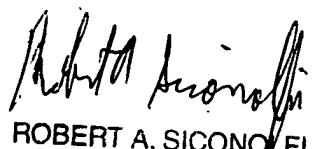
Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES K. HSIAO whose telephone number is (571)272-6259. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKH

 1/24/08
ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER